

*Elmore Craig, P.C.*  
209 Main Street  
Chelmsford, MA 01863  
Telephone: (978) 251-3509  
Facsimile: (978) 251-3973

RECEIVED  
CENTRAL FAX CENTER

APR 28 2005

FACSIMILE COVER SHEET

**To:** Examiner Mina Haghighatian Group 1616

**Date:** April 28, 2005

**Facsimile No.:** (703) 872-9306

**From:** Carolyn S. Elmore, Esq.

**Subject: Paper:** Notice of Appeal

**Docket No.:** 2685.2030 US

**Applicants:** Jennifer L. Schmitke *et al.*

**Serial No.:** 09/888,126

**Filing Date:** June 22, 2001

Number of pages including this cover sheet: 3

Please confirm receipt of facsimile: Yes X No       

**Comments:**

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS

Application No.: 09/888,126 Confirmation No.: 9053  
Applicant: Jennifer L. Schmitke, Donghao Chem, Richard P. Batycky, David A.  
Edwards and Jeffrey S. Hrkach  
Filed: June 22, 2001  
Examiner: Mina Haghighatian  
Docket No.: 2685.2030US  
Customer No.: 000038421

**RECEIVED  
CENTRAL FAX CENTER**

APR 28 2005

For: Particles For Inhalation Having Rapid Release Properties

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<i>Nan Burger</i> Signature	4-28-05 Date
Nan Burger	
Typed or printed name of person signing certificate	

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated January 11, 2005 of the Primary Examiner finally rejecting claims 1, 3-18, 20-39 and 41-60. The item(s) checked below are appropriate:

1. ☒ Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated January 11, 2005 for one month from April 11, 2005 to May 11, 2005.
2. ☐ A  month extension of time to respond to the Office Action Made Final dated  was filed on  with payment of a \$ fee.  
☐ Applicant hereby petitions for an additional  month extension of time to respond to the Office Action Made Final.
3. ☐ A Request for Oral Hearing before the Board of Patent Appeals and Interferences is being filed concurrently herewith.

Docket Number: 2685.2030 US

4. Fees are submitted for the following:			
<input checked="" type="checkbox"/>	Extension of Time for one month	\$	120.00
<input type="checkbox"/>	Additional Extension of Time:		
	no.)	\$	
		\$	
	Balance of fee due	\$	0
<input checked="" type="checkbox"/>	Notice of Appeal	\$	500.00
<input type="checkbox"/>	Other	\$	
	TOTAL	\$	620.00

5. The method of payment for the total fees is as follows:

☐ A check in the amount of \$[ ] is enclosed.

☒ Please charge Deposit Account No. 502807 in the amount of \$620.00.

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 502807.

Respectfully submitted,

ELMORE CRAIG, P.C.

By

Carolyn S. Elmore

Registration No.: 37,567

Telephone: (978) 251-3509

Facsimile: (978) 251-3973

Chelmsford, MA 01863

Date:

April 28, 2005